IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.515 OF 2005
IN
SUIT NO.3529 OF 2004

M/s.Bharat Warehousing co. .Plaintiff.

V/s.

M/s Sunny Construction Co. ..Defendant.

And

Ajit D.Karnataki & Anr. ..Applicants.
(Prop.defendants.)

Mr.D.Purekar, for applicants.

Ms. Mrudula Bhatia i/b Lalit Jain, for Plaintiff.

Mr. P.G.Lad, for Defendant.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 15, 2005.

P.C. :

1. Heard counsel for the parties. Counsel for the applicant who is third party has not pressed prayer clause (b). Arguments were therefore, confined to prayer clause (a).

2. Counsel for the defendant has no objection for allowing this chamber summons. Counsel for the plaintiff on the other hand submits that plaintiff has no objection for granting prayer clause (a) but on condition that the applicant be added as party

defendant, without prejudice to the rights and contentions of the plaintiff, in regard to the status of the applicant, as mentioned in the affidavit in support of the chamber summons. The submission made on behalf of the plaintiff is quite reasonable.

3. Accordingly, the chamber summons is made absolute in terms of prayer clause (a), without prejudice to the rights and contentions of the plaintiff, if any.

4. Plaintiff to carry out necessary amendments within two weeks.

5. Counsel for the applicants waives service of writ of summons. Plaintiff to directly serve the counsel for the applicant-newly added defendants with the copy of plaint. That be done within one week from today.

6. No order as to costs.